



December 17, 2014
Mary L. Fulghum
Associate Regional Counsel
U.S. Environmental Protection Agency
Region 5 Mail Code C-13J
77 West Jackson Boulevard
Chicago, Illinois 60604

Jennifer Dodds
U.S. Environmental Protection Agency, Region 5
Land and Chemicals Division
77 West Jackson Blvd, LU-9J
Chicago, IL 60604-3590

RE: Administrative Order on Consent - 5215 Kennedy Ave., East Chicago, IN

Dear Jennifer and Mary:

In accordance with the above-referenced Administrative Order on Consent dated June 25, 1997, (the "Order") this letter provides notice that on February 1, 2015, the above-referenced site will be transferred from E.I. du Pont de Nemours and Company ("DuPont") to Chemours Company FC LLC (Chemours), a new wholly-owned subsidiary of DuPont, as the result of a corporate reorganization. Chemours is subsequently expected to be separated from DuPont as a stand-alone, publicly traded company on or about July 1, 2015.

This letter also provides notice that effective February 1, 2015; Chemours will be the corporate entity responsible for DuPont's obligations under the Order as the result of that corporate reorganization. The Chemours representative for all notices and other communications under the Order shall be:

Sathya Yalvigi
974 Centre Road
Chestnut Run Plaza 715-218
Wilmington, DE 19805
302-999-2764 (Office)

Sathya.v.Yalvigi@dupont.com

Thank you for your attention to this matter. If you have any questions, please feel free to contact me at 302-999-2764.

Sincerely,

Sathya Yalvigi
Project Director

cc: File, Bernie Reilly, Legal

File Inventory Sheet**Box 1 of 1****File Series: E.I. DuPont (East Chicago Plant)****RCRA 206a****ID # IND 005 174 354**

Folder #	Date	Folder Description
1A	1/25/88	D.1.2 Northwest Indiana Environmental Action Plan: Area of Concern Remedial Action Plan
1B	3/9/98	D.2.2 RFI Work Plan -- Phase 1 & Additional Info. Requested for the RFI Work Plan
1C	12/98-12/99	D.2.3 Field Oversight Summary
2	10/14/02	D.2.7 Final RFI Report -- Phase 1
3	1990-91	D.2.7 Groundwater Assessment -- Phase I, 2/90 Groundwater Assessment -- Phase II, Vol. 1 of 2, 8/91
4	3/91-5/91	D.2.7 GW Assessment Status Report & sampling Data
5	1992-96	D.3.1, D.3.3 -- Correspondence, Work Plan
6	1997-99	D.3.7 Sediment Characterization Studies

DRAFT

**DuPont, IDEM, EPA, DOI, USFW
Teleconference Agenda
Thursday, January 23, 1997**

*Please fax me your comments by noon
CST January 22.*

*I will fax final with the call in number
shortly thereafter. Thank you.
My fax is (219) 881-6745 --Mary*

Call in # TBA

- Grand Calumet River '97 Field Season Planning Meeting scheduled for February 6, 1997 at 10 am until 1 pm CST in Gary, Indiana. All organizations planning 1997 field work on or near the Grand Calumet River/Indiana Harbor Ship Canal are invited to participate in meeting to discuss issues of common interest.
- Status of natural resource damages trustees' draft funding and participation agreement.
- NRDA update.
- Stage 2 Remedial Action Plan update.
- RCRA corrective action status.
- Miscellaneous.

MICHAEL MIKULKA ✓
PERRY-ANITA
1/21/97 11:41am
Subject: Conference Call

Anita -- I just spoke with In about tomorrow and Thursday's travel. They indicated that they would prefer at this time to convert the meeting to a conference call. They requested that we make the arrangements.

So, pls cancel the travel, and arrange a conference call. the time for the call would be 10 am EST. We would need 3 hours for the call, and 12 total lines. Sorry for the short notice on this.

Mike

cc: R5ORC.R5ORC1.MCAULIFFE-MARY, WOJTAS-ALLEN

ECAB

WPTD

EST?

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② 11:00-12:00
③ 12:00-1:00
④ 1:00-2:00
⑤ 2:00-3:00
⑥ 3:00-4:00
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202-260-2663
05N000-1 Pres # for '97

ANITA

DO THEY HAVE 2
HOURS AVAILABLE?

10-12? OR ANY OTHER 2 HR block?

IF NOT 8-11 WOULD BE 7 AM
CHICAGO TIME. I
CAN'T DO THAT.

4:10 P.M.
1/21/97

886-6760

Mike

Mr. Ehrlich
Page 3

If you have any questions regarding this matter, please contact Mr. Jeff Sewell at (317) 233-5562.

Sincerely,

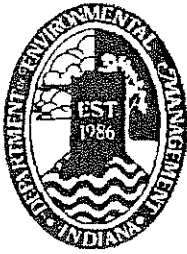


Laura Steadham, Chief
Solid Waste Facilities Branch
Solid and Hazardous Waste Management

JS

Enclosures: October 16, 1996 Letter to Ms. Stacy Dedinas
August 20, 1996 Letter to Mr. Chester Ciecko
DuPont's September 20, 1996 Letter from Mr. Chester Ciecko

cc: Ms. Stacy Dedinas, DuPont Specialty Chemicals, East Chicago
Mr. Mike Mikulka, USEPA Region 5
Mr. Matt Klein, IDEM, Office of Enforcement
Ms. Beth Admire, IDEM, Office of Legal Council
Mr. E. Carroll Hale III, IDEM, Solid Waste Chemistry Section
Ms. Daniela Klesmith, IDEM, Solid Waste Engineering Section
Mr. Jeff Sewell, IDEM, Solid Waste Permit Management Section
Lake County Health Department
Lake County Commissioners
Lake County Solid Waste Management District



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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Michael O'Connor
Commissioner

100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015
Telephone 317-232-8603
Environmental Helpline 1-800-451-6027

RECEIVED
DEC 17 1996
DIVISION FRONT OFFICE
Waste, Pesticides & Toxics Division
U.S. EPA - REGION 5

VIA CERTIFIED MAIL Z 339 936 388

December 12, 1996

Mr. Steve Ehrlich
DuPont Environmental Remediation Services
Barley Mill Plaza, Building 27-1312
P.O. Box 80027
Wilmington, Delaware 19880-0027

Re: Conference Call, December 4, 1996
DuPont Specialty Chemicals
On-site disposal facility
Lake County

Dear Mr. Ehrlich:

The purpose of this letter is to document the conference call of December 4, 1996, between representatives of DuPont, USEPA and IDEM and a follow up conference call of December 11, 1996, between DuPont and IDEM. This letter addresses only those discussions concerning activities leading to the closure of the on-site solid waste disposal facility.

IDEM anticipates receiving the following, pursuant to agreements made during the conference call and IDEM's August 20, 1996 letter to Mr. Chester Ciecko of DuPont Specialty Chemicals, East Chicago:

1. Information required by 329 IAC 10-5-2(a) to achieve interim status under the new regulations. It is anticipated that this information will be received on or before January 1, 1997 per Mr. Chester Ciecko of DuPont's letter of September 20, 1996. An extension of this deadline may be requested in consideration of Mr. Ciecko leaving DuPont.

Per recent communication between Mr. Jeff Sewell of this office and Ms. Stacy Dedinas of DuPont Specialty Chemicals, additional wastes have been routed through the wastewater treatment process resulting in these wastes becoming a component of the EVC filter cake. It is anticipated that any resultant changes in the characteristics of the EVC filter cake will be documented as a result of the sampling and analysis in progress for reclassifying this waste. No additional documentation is required at this time. Future process modifications which may change the characteristics of the waste should be reported as amendments to the notification required by 329 IAC 10-5-2(a). Subsequent to the closure of the interim disposal facility, notification of process modifications are not necessary for on-site disposal of Type IV wastes.

2. An interim and final closure plan for the on-site solid waste disposal facility, modeled after 329 IAC 10-37 where applicable. The closure plan should include plan sheets showing: the solid waste boundaries; the existing and proposed final contours for the active and closed on-site disposal areas; the surface water drainage; and the RCRA closure activities in adjacent areas. The closure plan should also provide for the placement and seeding of interim or final cover prior to October 1, 1998.

DuPONT/IDEM/EPA/FWS MEETING

November 12, 1996
CHICAGO, ILLINOIS

PARTICIPANTS

NAME	AFFILIATION	PHONE NUMBER
1. Allen Wojtas	USEPA	(312) 886-6194
2. Mike Mikula	U.S. EPA - WAIVE	312-886-6760
3. Sally Swanson	USEPA - NW IN	312 353 8512
4. Pat Carroll	IDEM/Ent	317 233-5523
5. Matt Klein	IDEM/ENFORCEMENT	(317) 233-6335
6. Stephen Fehelch	DuPont	302-992-6575
7. Kay Nelson	IDEM	219 881-6712
8. Bernie Reilly	Du Pont	302-774-5445
9. Lynn Flaim	Du Pont	219/391-4601
10. Bill Lawrence	Du Pont	(302) 892-1473
11. John Dorkin	EPA Water	312-886-1980
12. Mary McAuliffe	EPA/ORC	312-886-6237
13. Jim Smith	IDEM/DER	317-308-3003
14. Dan Sparks	FWS	(812) 334-4261

3. A post-closure plan for the on-site disposal facility, modeled after 329 IAC 10-38 where applicable. Ground water monitoring for this site will be handled under corrective action and will not be a component of the closure or post-closure requirements for the on-site solid waste disposal facility as administered by the Office of Solid and Hazardous Waste Management, Solid Waste Facilities Branch.
4. Waste classification results for materials being disposed of in the on-site disposal facility.

Approval of the revised Sampling and Analysis Plan (SAP), received by IDEM, December 11, 1996, is pending review by Mr. E. Carroll Hale III, of the Solid Waste Chemistry Section. Continued consultation with Mr. Hale at (317) 233-1050, for guidance in the implementation of the SAP for reclassifying the waste is encouraged.

It is anticipated that items 2, 3 and 4 above will be received on or before April 1, 1997. Note that the deadline for item 2 is extended from the January 1, 1997 deadline that was communicated in IDEM's August 20, 1996 letter to Mr. Ciecko. You may consult with Ms. Daniela Klesmith of the Solid Waste Engineering Section at (317) 232-8840 for guidance in the development of a closure and post-closure plan for the on-site disposal facility.

Due to the preliminary waste classification results indicating that the EVC filter cake may be Type IV, IDEM is amenable to allowing continued disposal in the active area of the on-site disposal facility to achieve contours appropriate for final closure subject to the following concerns:

1. Continued disposal will be limited to that necessary to achieve the final contours to be approved by IDEM with the interim and final closure plan.
2. Continued disposal will be contingent on the waste classification remaining within the criteria for Restricted Waste Type III or Type IV.
3. The interim and final closure plan will include a deadline for final disposal such that interim or final cover can be placed and seeded prior to October 1, 1998. Note that this deadline for final waste placement is based on the estimated two year capacity of the existing fill area with consideration for establishing vegetation prior to winter to provide a secure closure.

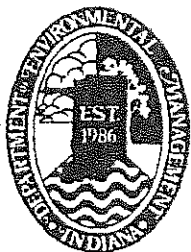
Continued on-site disposal of any waste classified as Type III will not be allowed once any of the above deadlines comes into effect unless a solid waste facility permit is granted. Disposal of wastes classified as Type IV is allowed without a permit when not in conflict with the closure of the on-site disposal facility and subject to the criteria indicated in 329 IAC 10-3-4.

It is the intent of the Solid Waste Facilities Branch to coordinate the requirements for closure of the on-site solid waste disposal facility with the other RCRA closure activities taking place at this site. Please notify Mr. Jeff Sewell of this office if the requirements communicated by this Branch are in conflict with or complicate other closure and remediation activities. It is anticipated that the closure activities for the on-site solid waste disposal area will be included in a RCRA Corrective Action Order coordinating all closure and remediation activities for this site.

From: ALLEN WOJTAS
To: RSORC.RSORCI.MCAULIFFE-MARY, MIKULKA-MICHAEL
Date: 11/5/96 9:52am
Subject: Call with Steve Ehrlich of DuPont

I returned Steve's call today. Steve proposed a meeting in Chicago to discuss the Order independent of the Nov 12 partnership meeting. He suggested Nov 19. Apparently Some DuPont people will be in the area on Nov 20 and 21 , so the 19th would be most accomodating for them. Nov 22 is also an option. Steve suggested to limit participation to those involved in the Order, and I agreed. If IDEM wants to send a representative, that's OK. Please let me know if the 19th is OK, as I need to get back to Steve on Thursday. Mike/Mary, please coordinate, and see who shoould attend from IDEM, if appropriate.

15. Mary Ann Hobbs	TO NR	317 233 3882
16. Beth Admire	IDEM	(317) 233-5946
17. Mary Fulghum	IDEM	219 881-6708, 6745 FAX
18. Scott Ireland	IDEM / own	(317) 233-1432
19. Jan Enns-Wilson	IDEM	(317) 308-3159
20. Bill Tong	U.S. EPA, Water Ent.	(312) 886-9380
21.		
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INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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Indianapolis, Indiana 46206-6015
Telephone 317-232-8603
Environmental Helpline 1-800-451-6027

VIA CERTIFIED MAIL #Z 339 939 062 VIA CERTIFIED MAIL # Z 339 939 063

NOTICE OF VIOLATION

To: E. S. Wollard, Jr., President
E. I. DuPont DeNemours
& Company, Inc.
1007 Market Street
M-10600
Wilmington, Delaware 19898

C. T. Corporation, Resident Agent
E. I. DuPont DeNemours
& Company, Inc.
1 North Capitol Avenue
Indianapolis, Indiana 46204

RECEIVED
JAN 15 1996

Cause No. H-12580

DIVISION FRONT OFFICE
Waste, Pesticides & Toxics Division
U.S. EPA - REGION 4

Designated representatives of the Indiana Department of Environmental Management (IDEM) conducted an inspection of E.I. DuPont DeNemours & Company, Inc., located at 5215 Kennedy Avenue, in East Chicago, Indiana, on April 28, 1994. The U.S. EPA I.D. number of your facility is IND 005174354.

The inspection revealed violations of Indiana Code (IC) 13-7 (currently IC 13-30) and the Hazardous Waste Management Rules under 329 IAC 3.1. This article incorporates July 1, 1992, federal standards for the management of hazardous waste, which have been published in 40 CFR 260 through 40 CFR 270.

The violations observed are as stated in Finding No. 7 of the enclosed proposed Agreed Order.

In accordance with IC 13-30-3-3, the Commissioner is required to notify you in writing that the Commissioner believes a violation exists and offer you an opportunity to enter into an Agreed Order providing for the actions required to correct the violations and for the payment of a civil penalty. The Commissioner is not required to extend this offer for more than sixty (60) days.

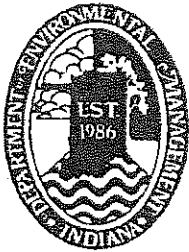
If settlement is not reached within sixty (60) days of your receipt of this Notice, the Commissioner may issue an order pursuant to IC 13-30-3-4, containing the actions you must

From: MARY MCAULIFFE
To: R5WST.R5RCRA.MIKULKA-MICHAEL, R5WST.R5RCRA.WOJTAS-...
Date: 9/18/96 2:31pm
Subject: DuPont Meeting--September 30th

Hi, Mike and Allen,

Nancy Spencer and I discussed our upcoming meeting with DuPont, the State of Indiana and the federal and state trustees on September 30th regarding our 3008(h) Order in the context of the State's partnership with industries along the Grand Cal. In light of the facts that (1) the State continues to include Pat Carroll, Dave Werzian and Kay Nelson in the series of State-Federal internal meetings that we have had in preparation for meeting with DuPont, and (2) these folks will be present at the September 30th meeting with DuPont, we feel that it would be appropriate for Joe Boyle and/or Norm Niedergang to participate in the September 30th meeting (and if possible, the September 27th pre-meeting). Since the State has already proposed to handle discussions with DuPont in a manner that is not in accord with the discussions we had with Norm and Joe earlier this month, and since we will not begin substantive negotiations with DuPont until some time after the September 30th meeting (but will instead discuss conceptual matters related to the Partnership and the 3008(h) Order), there are some compelling reasons for WPTD management to participate in this meeting. Please let me know what WPTD thinks. Thanks.

CC: R5WST.R5RCRA.BOYLE-JOSEPH, R5WST.R5RCRA.NIEDERGANG...



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Indianapolis, Indiana 46206-6015
Telephone 317-232-8503
Environmental Helpline 1-800-451-6027

STATE OF INDIANA)
) BEFORE THE INDIANA DEPARTMENT
COUNTY OF MARION) SS: OF ENVIRONMENTAL MANAGEMENT

COMMISSIONER OF THE DEPARTMENT OF)
ENVIRONMENTAL MANAGEMENT,)
)
) Complainant,)
) CAUSE NO. H-12580
) v.)
) E. I. DUPONT DENEMOURS & COMPANY, INC.)
) Respondent.)

AGREED ORDER

The Complainant and the Respondent desire to settle and compromise this action without hearing or adjudication of any issue of fact or law, and consent to the entry of the following Findings of Fact and Order.

I. FINDINGS OF FACT

1. Complainant is the Commissioner (hereinafter referred to as "Complainant") of the Indiana Department of Environmental Management (hereinafter referred to as "IDEM"), a department of the State of Indiana created by IC 13-13-1-1.
2. IDEM has jurisdiction over the parties and the subject matter of this action.
3. Respondent is E. I. DuPont DeNemours & Company, Inc. which is a company engaging in business at 5215 Kennedy Avenue, East Chicago, Lake County, Indiana, 46312.
4. Respondent's EPA I.D. No. is IND 005174354.
5. Respondent notified on August 18, 1980 as both a large quantity generator

take to achieve compliance, the required time frames, and an appropriate civil penalty. Pursuant to IC 13-30-4-1, the Commissioner may assess penalties of up to \$25,000 per day of any violation.


The timely entry into an Agreed Order will prevent the necessity of an Order of the Commissioner being issued under IC 13-30-3-4 or the filing of a civil court action under IC 13-14-10 or IC 13-14-2-6. The advantages of entering into an Agreed Order are:

1. You may not be required to admit that any violation occurred.
2. The civil penalty may be less than that imposed under an Order of the Commissioner.

Please contact the Enforcement Case Manager, Matthew T. Klein, at (317) 233-6335 within fifteen (15) days after receipt of this Notice regarding your intent to settle this matter. If you are willing to resolve this matter as provided for in the enclosed Agreed Order, please sign and return it to Matthew T. Klein, Office of Enforcement, at the above address within the sixty (60) day settlement period.

FOR THE COMMISSIONER:

Date: 1/2/17


Pat Carroll, Director
Office of Enforcement

Enclosure

cc: Lake County Health Department (without enclosure)
Mr. Scott R. Storms, Office of Legal Counsel (with enclosure)
Ms. Pamela J. O'Rourke, Office of Enforcement (with enclosure)
Mr. Bruce Kizer, Office of Solid and Hazardous Waste Management (with enclosure)
Mr. Rick Roudebush, Office of Solid and Hazardous Waste Management (with enclosure)
Mr. Bernie Reilly, E.I. DuPont DeNemours & Company, Inc.

- d. Pursuant to 329 IAC 3.1-15-8, an owner or operator of a hazardous waste storage facility must demonstrate financial responsibility for claims arising from the operation of said facility from sudden and accidental occurrences that cause injury to persons or property. Based upon the information gathered by IDEM, Respondent failed to demonstrate financial responsibility for claims arising from the operations of its facility from sudden and accidental occurrences that cause injury to persons or property.
- e. Pursuant to 40 CFR 262.11 and 40 CFR 268.7, a person who generates a solid waste, defined in 40 CFR 261.2, must determine if that waste is a hazardous waste. Based upon the information gathered by IDEM, Respondent failed to make a proper hazardous waste determination for its solid wastes, including flue dust and refractory brick.
8. Pursuant to IC 13-30-3-3, IDEM issued a Notice of Violation via Certified Mail to:
- | | |
|-------------------------------|-----------------------------------|
| E. S. Wollard, Jr., President | C. T. Corporation, Resident Agent |
| E. I. DuPont DeNemours | E. I. DuPont DeNemours |
| & Company, Inc. | & Company, Inc. |
| 1007 Market Street | 1 North Capitol Avenue |
| M-10600 | Indianapolis, Indiana 46204 |
| Wilmington, Delaware 19898 | |
9. In recognition of the settlement reached, Respondent waives any right to administrative and judicial review of this Agreed Order.

II. ORDER

1. This Agreed Order shall be effective ("Effective Date") when it is approved by the Complainant or her delegate, and has been received by the Respondent. This Agreed Order shall have no force or effect until the Effective Date.
2. Upon the effective date of the Order, Respondent shall make proper hazardous waste determinations, pursuant to 40 CFR 262.11 and 40 CFR 268.7, for its solid waste as it is generated at the point of generation. Further, Respondent shall manage its waste in accordance with the results of its hazardous waste determinations.
3. Within forty-five (45) days of the effective date of the Order, Respondent shall, pursuant to 329 IAC 3.1-15-4, establish financial assurance for the closure of the northern, northeastern, and eastern portions of the property outside and adjacent to the Ludox production building which stored both the hazardous flue dust and refractory brick waste (D007) for greater than two (2) years.

("LQG") of hazardous waste and a treatment, storage and disposal ("TSD") facility for waste solvents. Respondent withdrew its TSD status on March 17, 1982.

6. In June 1991, Respondent re-built its on-site furnace. As a result of the furnace re-build, Respondent generated seventy-one (71) fifty-five (55) gallon drums of both flue dust and refractory brick waste. On September 27, 1993, Respondent manifested the aforementioned seventy-one (71) fifty-five (55) gallon drums (approximately forty-three thousand (43,000) pounds) of both flue dust and refractory brick waste to EnviroSafe Services of Ohio as a characteristically-chromium (D007) hazardous waste.
7. Based upon an investigation of the facility on April 28, 1994, by the Office of Solid and Hazardous Waste Management (hereinafter referred to as the "OSHW") of the IDEM, the IDEM contends that the following violations were in existence or observed at the time of the inspection:
 - a. Pursuant to 329 IAC 3.1-1-10, IC 13-7-4-1(9) (currently IC 13-30-2-1), and 40 CFR 262.34(f), no person may commence or engage in the operation of any hazardous waste facility without having first obtained a permit from the department. Specifically, a generator who accumulates hazardous waste on-site for more than ninety (90) days is an operator of a storage facility and is subject to the permit requirements of 40 CFR part 270 and the technical storage facility requirements of 40 CFR part 264 unless it has been granted an extension to the 90-day period. Based upon the information gathered by IDEM, Respondent had allowed storage of hazardous flue dust and refractory brick waste (D007) for greater than two (2) years without obtaining a permit and complying with the technical storage facility requirements.
 - b. Pursuant to 40 CFR 268.50(a)(1), the storage of hazardous wastes restricted from land disposal under Subpart C of 40 CFR 268 is prohibited, unless the generator stores such wastes in tanks or containers on-site solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal and the generator complies with the requirements of 40 CFR 262.34. Based upon the information gathered by IDEM, Respondent stored hazardous flue dust and refractory brick waste (D007) restricted from land disposal for greater than two (2) years, in violation of 40 CFR 268.50.
 - c. Pursuant to 329 IAC 3.1-15-4, an owner or operator of a hazardous waste storage facility must establish financial assurance for closure of the facility. Based upon the information gathered by IDEM, Respondent failed to establish financial assurance for closure of the facility.

13-30-4.

9. Civil and stipulated penalties are payable by check to the Environmental Management Special Fund. Checks shall include the Cause Number and shall be mailed to:

Cashier
Indiana Department of Environmental Management
100 North Senate Avenue
P.O. Box 7060
Indianapolis, Indiana 46206-7060

10. In the event that the civil penalty required by paragraph 7 is not paid within thirty (30) days of the effective date of this Agreed Order or the payment of the stipulated penalties assessed pursuant to paragraph 8 are not made within thirty (30) days of Respondent's receipt of IDEM's demand, Respondent shall pay interest on the unpaid balance at the rate established by IC 24-4.6-1-101. The interest shall begin to accrue on the date the Respondent receive IDEM's demand.
11. This Order shall apply to and be binding upon the Respondent, its officers, directors, principals, employees, agents, successors, subsidiaries, and assigns. The signatories to this Order certify that they are fully authorized to execute and legally bind the parties they represent. No change in ownership, corporate, or partnership status of the Respondent shall in any way alter its status or responsibilities under this Order.
12. The Respondent shall provide a copy of this Order, if in force, to any subsequent owners or successors before ownership rights are transferred. Respondent shall by contract require that all contractors, firms, and other persons acting for it comply with the terms of this Order.
13. In the event that any terms of this Agreed Order are found to be invalid, the remaining terms shall remain in full force and effect and shall be construed and enforced as if the Agreed Order did not contain the invalid terms.
14. This Agreed Order shall remain in effect until IDEM issues a Resolution of Cause letter to Respondent.

4. Within forty-five (45) days of the effective date of the Order, Respondent shall submit to IDEM for approval a closure plan, pursuant to 40 CFR 264 Subpart G, for the northern, northeastern, and eastern portions of the property outside and adjacent to the Ludox production building which stored both the hazardous flue dust and refractory brick waste (D007) for greater than two (2) years.
5. Upon IDEM's approval of the closure plan, referenced in Order No. 4, Respondent shall implement the plan as approved, and in accordance with the timeframes contained therein.
6. All submittals required by this Agreed Order shall be sent to (unless notified otherwise in writing):

Mr. Matthew T. Klein
Hazardous Waste Section
Office of Enforcement
Indiana Department of Environmental Management
100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015

7. Respondent is assessed a Civil Penalty of \$32,000. Said penalty amount shall be due and payable to the Environmental Management Special Fund within thirty (30) days of receipt of notice of the adoption of this Order by the Complainant.
8. In the event the following terms and conditions are violated, the Complainant may assess and the Respondent shall pay a stipulated penalty in the following amounts:

<u>Violation</u>	<u>Penalty</u>
Failure to comply with each time frame specified in Orders 3 thru 5 of the Agreed Order.	\$100 per violation days 1-7
	\$200 per violation days 8-30
	\$500 per violation days 31-60
	\$1000 per violation after 60 days

Said stipulated penalty shall be due and payable within thirty (30) days after Respondent receives written notice that the Complainant has determined a stipulated penalty is due. Assessment and payment of said stipulated penalty shall not preclude the Complainant from seeking any injunctive relief against the Respondent for violation of the Agreed Order.

In lieu of assessment of the stipulated penalty given above, the Complainant may seek any other remedies or sanctions available by virtue of Respondent's violation of this Agreed Order, including, but not limited to, civil penalties pursuant to IC

TECHNICAL RECOMMENDATION

RESPONDENT

By:

Pamela J. O'Rourke
Pamela J. O'Rourke, Acting Chief
Hazardous Waste Section
Office of Enforcement

By: _____

Date:

12/17/96

Date: _____

COUNSEL FOR COMPLAINANT

COUNSEL FOR RESPONDENT

By:

Scott R. Storms
Scott R. Storms
Office of Legal Counsel
Department of Environmental
Management

By: _____

Date:

12/23/96

Date: _____

APPROVED AND ADOPTED BY THE INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

THIS _____ DAY OF _____, 19____

[FOR THE COMMISSIONER]

Patrick Carroll
Director
Office of Enforcement

13-30-4.

9. Civil and stipulated penalties are payable by check to the Environmental Management Special Fund. Checks shall include the Cause Number and shall be mailed to:

Cashier
Indiana Department of Environmental Management
100 North Senate Avenue
P.O. Box 7060
Indianapolis, Indiana 46206-7060

10. In the event that the civil penalty required by paragraph 7 is not paid within thirty (30) days of the effective date of this Agreed Order or the payment of the stipulated penalties assessed pursuant to paragraph 8 are not made within thirty (30) days of Respondent's receipt of IDEM's demand, Respondent shall pay interest on the unpaid balance at the rate established by IC 24-4.6-1-101. The interest shall begin to accrue on the date the Respondent receive IDEM's demand.
11. This Order shall apply to and be binding upon the Respondent, its officers, directors, principals, employees, agents, successors, subsidiaries, and assigns. The signatories to this Order certify that they are fully authorized to execute and legally bind the parties they represent. No change in ownership, corporate, or partnership status of the Respondent shall in any way alter its status or responsibilities under this Order.
12. The Respondent shall provide a copy of this Order, if in force, to any subsequent owners or successors before ownership rights are transferred. Respondent shall by contract require that all contractors, firms, and other persons acting for it comply with the terms of this Order.
13. In the event that any terms of this Agreed Order are found to be invalid, the remaining terms shall remain in full force and effect and shall be construed and enforced as if the Agreed Order did not contain the invalid terms.
14. This Agreed Order shall remain in effect until IDEM issues a Resolution of Cause letter to Respondent.

From: JOSEPH A MALEK
To: R5ORC.R5ORC1.FIELD-ROGER
Date: Friday, June 3, 1994 2:32 pm
Subject: E.I. DUPONT, EAST CHG

I'm following up on info about what E.I. Dupont said to Congress in 1978. In response to a Congressional inquiry conducted by the House Subcommittee on Oversight and Investigations of Interstate and Foreign Commerce, E.I. Dupont filed a number of reports about its waste disposal practices.

One report states that during 1978 it processed 3,400 tons of processed wastes and estimated that 77% of it was placed within landfills, 14% injected into wells and about 9% incinerated. Report indicates that as a result of talking to employees hired as long as 1955, it found that it used 10 landfill locations, including its own facility, for waste disposal purposes. In another report, it told Congress that it estimates that it disposed of 150,000 tons of processed wastes on site over its operating history (1892). Some of the wastes enumerated were metals such as "arsenic, selenium, antimony, zinc, cadmium, copper, chromium, iron, manganese and magnesium", organics such as, "herbicides and intermediates" and other substances. Need groups' help to get DuPont to disclose the location of all the waste disposal facilities used by them. This info should help trace source of sediment pollutants. Will advise as more info is discovered.

CC: R5RCRA.SLAUGHTER-THAD, R5WTR.R5WCB1.DORKIN-JOHN

Du Pont Meetings

1/28/94

Rodger Field -	EPA - CRC	312- ³⁵³⁻ 886 8243
Thad Slaughter	U.S. EPA - RCRA	312-886-4460
Diane Sharrow	EPA - RCRA (Eco)	312 886-6199
Joe MACEY	USEPA - Superfund	312-353-2007
ROSEMARY Caldwell	IDEM	317-232-7207
CODY REECE	IDEM	317-732-8433 317-232-7207
REG BALLER	EPA / JRC	312-886-0555
STEPHEN EINHART	DuPont	302-792-8810
Steve Coppola	DuPont-Legal	(302) 773-0149
William J. LAWRENCE	DuPont	(302) 774-8491



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAY 04 1994

Cody
317-232-8430

REPLY TO THE ATTENTION OF:

Steven A. Coppola, Esq.
DuPont Legal D-7152
1007 Market Street
Willmington, Delaware 19898

Re: DuPont's East Chicago, Indiana Plant

Dear Steve:

This letter will confirm our meeting set for 10:00 on May 27, 1994. You should come to the third floor of the Trans Union Pacific Building, 111 West Jackson Boulevard. I will meet you in the reception area.

I look forward to meeting you and having a productive meeting. If you have any questions, please do not hesitate to call. My telephone number is (312) 353-8243.

Very truly yours,

Rodger C. Field
Associate Regional Counsel

bcc: Mike Smith, ORC
Deb Klassman, ORC
Reg Pallessen, ORC
Thad Slaughter, Office of RCRA
Jim Filippini, Water Division
John Dorkin, Water Division
Bill Tong, Water Division

U.S. EPA / DuPont Meeting 5/27/94 Attendee's

<u>Name</u>	<u>title</u>	<u>Phone #</u>
James Filippini	Wtr. Compliance Sec	312 886-6743
John Dorkin	" " "	312 886-6873
JOE MACER	SUPERFUND INVESTIGATOR	312-353-2007
EUGENE HARTSTEIN	DuPont	219-391-4600
WILLIAM J LAWRENCE	DuPont	(302) 774-8491
Steven A. Coppola	DuPont	(302) 773-0149
David E. Epps	DuPont	(302) 792-8984
Debbie Feltz	IDEM	(317) 232-3451
Ashly Insko	IDEM	(317) 232-3451
John Hale	IDEM	(317) 232-7121
Jody Fleece	IDEM/DE/WES	(317) 232-8430
Nadgen Field	USEPA - ORC	
Rosemary Cantwell	IDEM/Enforcement	317/232-7207
REG PALLESEN	USEPA/ORC	312-886-0555
Thad Slaughter	U.S. EPA / ORC ORCA	318-886-4460

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

IN THE MATTER OF:)	Docket No.:V-W-92-308-39
)	
Harbison Walker Refractories)	REQUEST FOR INFORMATION
Hammond, Indiana 46323)	
NPDES Permit No. IN0000248)	
)	
PROCEEDING UNDER SECTION 308)	
OF THE CLEAN WATER ACT, AS AMENDED)	

The following FINDINGS are made and REQUEST FOR INFORMATION issued pursuant to the authority vested in the Administrator of the United States Environmental Protection Agency (U.S. EPA) under Section 308 of the Clean Water Act (CWA), 33 U.S.C. §1318, duly delegated to the Regional Administrator, Region 5, and duly redelegated to the undersigned Director, Water Division.

FINDINGS

1. National Pollutant Discharge Elimination System (NPDES) Permit No. IN0000248 was issued to Harbison Walker Refractories on December 2, 1986, by the Indiana Department of Environmental Management (IDEM). The Permit became effective from the day of issuance, December 2, 1986, and expired on December 1, 1991. The company had applied to IDEM for renewal of the NPDES Permit in June of 1991; pending renewal, the Permit is still considered valid.
2. Harbison Walker Refractories is authorized by its NPDES Permit to discharge from their facility which manufactures



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

TO: D. Klaszmann
rel to ~~the~~ DuPont

REPLY TO THE ATTENTION OF:

MAY 22 1992

WCC-15J

CERTIFIED MAIL P 679 172 267
RETURN RECEIPT REQUESTED

Mr. John Castilano
Plant Manager
Harbison Walker Refractories
5501 Kennedy Avenue
Hammond, Indiana 46323

Subject: Harbison Walker Refractories
NPDES Permit No. IN0000248
Information Request Pursuant to
Section 308 of the Clean Water Act
33 U.S.C. Section 1318
Docket No. V-W-92-308-39

Dear Mr. Castilano:

Enclosed herewith is the above-referenced request.

Compliance with the terms of this request is required within the time period specified in the request. Failure to comply with the request may subject the permittee to enforcement action pursuant to Section 309 of the Clean Water Act.

If you have any questions regarding this matter, please contact William Tong of my staff at (312) 886-9380.

Sincerely,

Dale S. Bryson
Director, Water Division

Enclosure

cc: V. Bradford, IDEM
C. Wellish, IDEM

1. All current NPDES permitted discharge points from the plant to the GCR.
 2. Any previous NPDES permitted discharge points from the plant to the GCR.
 3. Any previous unpermitted discharge points pre-dating the NPDES program from the plant to the GCR.
- B. How long have each of the above discharge points or outfalls been in existence? What was discharged into the GCR, and at what time(s)?
- C. A list of all materials, especially any metals, such as nickel or chromium, that would have been included as part of any product or process that the company had ever produced.
- D. Are there currently or has there ever been any treatment of any waters discharged by the plant? If yes, provide the following:
1. A summarized explanation of the process(es).
 2. A schematic diagram(s) of the process(es).
 3. A discussion of where and by whom any sludges from the above process(es) were disposed.
- D. Have any sludges, by-products or other materials

non-clay (basic) refractories, located at 5501 Kennedy Avenue, Hammond, Indiana, to receiving waters named the Grand Calumet River in accordance with effluent limitations and monitoring requirements as set forth in the Permit.

3. The discharge points are identified in the Permit as Outfalls 001 and 002, which are point source discharges, as defined in the Clean Water Act, Section 502 (14).
4. Discharge is limited solely to noncontact cooling water, free from process and other wastewater discharges.

REQUEST FOR INFORMATION

BASED ON THE FOREGOING FINDINGS AND THE AUTHORITY VESTED IN THE UNDERSIGNED DIRECTOR, WATER DIVISION, IT IS HEREBY REQUESTED:

1. That within ten (10) days of receipt of this request, submit a written certification of its intent to comply with this request.
2. That within fifteen (15) days of receipt of this request, Harbison Walker shall submit:
 - A. A diagram of the Grand Calumet River (GCR) next to the plant, indicating the locations of:

The written statements submitted pursuant to this request must be notarized and returned under an authorized signature certifying that all statements contained therein are true and accurate to the best of the signatory's knowledge and belief. Should the signatory find at any time after submittal of the requested information, that any portion of such statement(s) certified as true is false or incorrect, the signatory shall so notify Region 5. (See attached "Authority and Confidentiality Provisions")

The U.S. EPA has the authority to use the information requested herein in an administrative, civil or criminal action.

5/22/1992

Date

Dale S. Bryson

Dale S. Bryson
Director, Water Division
U.S. Environmental Protection Agency,
Region 5

associated with the plant's operation ever been disposed of in the wetlands and/or floodplain located next to the plant? If yes, provide the following:

1. A list of the sludges, by-products or other materials.
 2. The location(s) of the disposal area(s) in the wetlands and/or floodplain.
 3. Approximate date(s) of the disposal.
 4. What, if any, plans does the plant have to perform any type of environmental remediation of any of the wetlands/floodplain disposal sites listed in Item D?
3. That all submissions required by this request shall be submitted to:

Director, Water Division
United States Environmental Protection Agency
Region 5 (WCC-15J)
77 West Jackson Boulevard
Chicago, Illinois 60604
ATTN: Chief, Compliance Section

A copy of said information should be submitted to:

Assistant Commissioner for Water Management
Indiana Department of Environmental Management
105 South Meridian Street
Indianapolis, Indiana 46206-6015

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

Date: Monday, 6 April 1992

Subject: DuPont, East Chicago
Historical Chemical Production

From: Jonathan Barney *JBN*
Water Division (W-15J)

To: Bill Tong
Compliance Section (WCC-15J)

I have reviewed the list of about 120 products manufactured at the DuPont, East Chicago, facility over the past 100 years, looking for any that contained mercury. Although there were a few that I was not able to identify because of their generic names (e.g., Adhesive #60, Duclean #1, etc.) or their age and limited production (e.g., Glatite, 1909-1910; Manganar, 1928-1933), I did not find any evidence of mercury-containing products or mercury use. It does not appear that the facility was a chlor-alkali producer at any point -- a common source of mercury pollution. It is possible that mercury compounds might have been added to some formulations as fungus or mildew inhibitors, but that type of use would not be likely to result in the level of sediment contamination found.

I would recommend looking into some of the major processes to see whether any of them might have been electrochemical, using mercury (or mercury-containing, such as calomel) electrodes. I am not familiar with the term "electrical distillation," which appears for a couple of the products. They should be checked out for mercury, though it seems unlikely. This may just mean distillation using electrical heating.

cc: Zar

Attachment

AUTHORITY AND CONFIDENTIALITY PROVISIONS

Authority

Information requests are made under authority provided by Section 308 of the Clean Water Act, 33 U.S.C. 1318. Section 308 provides that: "Whenever required to carry out the objective of this Act, ...the Administrator shall require the owner or operator of any point source to (i) establish and maintain such records, (ii) make such reports, (iii) install, use, and maintain such monitoring equipment and methods (including where appropriate, biological monitoring methods), (iv) sample such effluent... and (v) provide such other information as he may reasonably require; and the Administrator or his authorized representative, upon presentation of his credentials, shall have a right of entry to...any premises in which an effluent source is located or in which any records...are located, and may at reasonable times have access to and copy any records...and sample any effluents..."

Please be advised that the submission of false statements is subject to federal prosecution under 18 U.S.C. 1001 and that this or any other failure to comply with the requirements of Section 308 as requested by U.S. EPA may result in enforcement action under the authority of section 309 of the Clean Water Act, which provides for specified civil and/or criminal penalties.

Confidentiality

U.S. EPA regulations concerning confidentiality and treatment of business information are contained in 40 CFR Part 2, Subpart B. Information may not be withheld from the Administrator or his authorized representative because it is viewed as confidential. However, when requested to do so, the Administrator is required to consider information to be confidential and to treat it accordingly, if disclosure would divulge methods or processes entitled to protection as trade secrets (33 U.S.C. 1318(b) and 18 U.S.C. 1905), except that effluent data (as defined in 40 CFR 2.302(a)(2)) may not be considered by U.S. EPA as confidential.

The regulations provide that one may assert a business confidentiality claim covering part or all of any trade secret information furnished to U.S. EPA at the time such information is provided to the Agency. The manner of asserting such claims is specified in 40 CFR 2.203(b). In the event that a request is made for release of information covered by such claim of confidentiality or the Agency otherwise decides to make a determination as to whether or not such information is entitled to confidential treatment, notice will be provided to the claimant prior to any release of the information. However, if no claim of confidentiality is made when information is furnished to U.S. EPA, any information submitted to the Agency may be made available to the public without prior notice.

Note: This information request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Chapter 35.

DUPONT EAST CHICAGO, INDIANA PRODUCTION HISTORY

PRODUCTS	BEGAN OPERATION	DISCONTINUED OPERATION
Hydrochloric Acid Transloading	1979	1979
Hydrochloric Acid (Anhydrous) - for Vaporization System	1977	1984
Insecticide Department Ferguson Packers	1949	1949
Insecticide Department Triangle Packers	1936	1936
Iron Agglomerates (Pyrites Cinder)	1910	1911
Pb. Lead Acetate	1910	1914
Pb, AS Lead Arsenate Insecticide	1910	1949
Pb, AS Lead Arsenate Phenothiazine Mixtures	1946	1947
Lime Sulfur Solution	1910	1948
X Linuron	1964	1972
X Litharge = <i>Lead Monoxide</i>	1924	1949
X Lorox	1963	1981
Ludox AM - Aluminum Modified	1961	Present
Ludox AS - Ammonium Stabilized	1960	Present
Ludox Binder Vehicle	1967	Present
Ludox HS (Colloidal Silica) - 12 millimicron	1948	1963
Ludox HS (Colloidal Silica) - new process 12 millimicron	1963	Present
Ludox HS-FS - Free Stabilized (ethylene glycol)	1964	Present
Ludox LS	1957	Present
Ludox Lithium Polysilicate 48		Present
Ludox Redip Indicator		Present
Ludox SM - 7 millimicron	1968	Present
Ludox TM - 22 millimicron	1957	Present
X Ludox (Purchased Nalcoag C-1295)	1966	Present
Manganar	1947	1948
Manganese Sulfate	1928	1933
X Marlite 50	1933	1933
Methoxychlor	1947	1949
Methoxychlor Concentrate 80 %	1947	1949
Mixed Acid	1949	1949
Nitric Acid Reagent	1897	1930
Nitric Acid Reagent - Distillation - electrical	1899	1924
Nitric Acid Reagent - Distillation - steam	1924	1937
Nitric Acid Reagent - Modernized Process	1937	1958
Nitric Acid - NaNO3 Process	1958	1984
Nitric Acid - purchased in bulk and packaged	1896	1929
Oleum - 20 %	1929	1964
Oleum - 35 %	1973	1984
Oleum - 40 % (SO3 Still)	1981	1984
Oleum - 40 % (SO3 Still)	1941	1945
Oleum - 65 %	1967	1972
Phosphoric Acid	1958	1959
Plant Food	1925	1951
X Siduron = <i>Tupersan</i>	1928	1930
Sodium Bisulfite Solution (For Sale)	1964	1981
Sodium Metasilicate	1941	1955
Sodium Metasilicate - produced by Continuous Cooler	1931	1958
Sodium Silicate	1958	1973
Sodium Silicate - Continuous Fuel Oil Furnace	1902	1940
Sodium Silicate - Gas Fired Continuous	1940	1957
Sodium Silicate - No. 1 Furnace Batch	1957	Present
Sodium Sulfate S. R. Ground	1930	1957
Sodium Sulfide	1925	1949
Sodium Sulfide - Depilatory Grade	1915	1929
Sodium Thiosulfate	1930	1932
Stabilized SO3	1916	1955
Sulfamic Acid	1966	1984
Sulfuric Acid Chambers System No. 1	1959	1984
Sulfuric Acid Chambers System No. 2	1893	1947
Sulfuric Acid Chambers System No. 3	1893	1947
Sulfuric Acid Chambers System No. 4	1905	1947
Sulfuric Acid Chambers System No. 5	1913	1955
Sulfuric Acid Contact No. 1	1916	1955
Sulfuric Acid Contact No. 2	1923	1955
	1947	1967

UPDATE: DuPont now produces only 2 product lines - colloidal silica and sodium silicate.

DUPONT EAST CHICAGO, INDIANA PRODUCTION HISTORY

PRODUCTS	BEGAN OPERATION	DISCONTINUED OPERATION
<i>Herbicide</i> 2,4-D Sodium weed killer - 83 %	1946	1946
4-All Drain Solvent	1924	1926
Acetic Acid - Gray Lime acetate	1902	1930
Acetic Acid - Purchased and rehandled	1930	1982
Adhesive # 60 (Weather Proof)	1954	1963
Adhesive # 71 (Weather Proof)	1949	1951
Adhesive # 72 (Weather Proof)	1949	1951
Adhesive # 73 (Weather Proof)	1946	1952
Adhesive # 77 (Weather Proof)	1944	1963
Adhesive # 78 (Weather Proof)	1944	1963
Adhesive # 78X (Weather Proof)	1958	1963
Aluminum Chloride Solution	1947	1975
Aluminum Chloride - HCl	1954	1975
X Ammate Solution	1959	1978
X Ammate X	1959	1978
Ammonium Chloride	1909	1928
Ammonium Chloride from new leached crystal	1928	1963
Ammonium Chloride - new facilities	1963	1969
Ammonium Hydroxide Reagent	1899	1906
Ammonium Hydroxide Reagent - new facilities	1958	1984
Anisole	1948	1949
X Arsenate Green	1926	1926
As Arsenic Acid	1914	1949
As Barium Fluorosilicate (Insecticide)	1930	1943
Benlate	1968	1971
X Benomyl	1968	1970
X Bordeaux Mixture Insecticide	1910	1940
X C & C Mixture (Zn Cl ₂ and Muriatic)	1944	1964
As Calcium Arsenate	1919	1948
As Calcium Arsenite	1927	1931
Chlorosulfonic Acid	1966	1984
Cr Chromated Zinc Chloride Dry	1940	1969
Cr Chromated Zinc Chloride Solution	1947	1969
Collodial Silica 1A	1955	1957
Collodial Silica # 17	1956	1956
Cr Copperized Chromated Zinc Chloride Dry	1950	1964
Cr Copperized Chromated Zinc Chloride Solution	1951	1951
- Deenate 25W (Insecticide)	1945	1946
- Deenate 50W (Insecticide)	1946	1947
Detergents	1932	1951
Disodium Phosphate Crystal	1926	1937
- Duclean # 1 Inhibited Sulfuric Acid	1929	1984
- Duclean # 2 Inhibited Hydrochloric Acid	1931	1977
X EPN 300 Insecticide	1950	1952
X EPN 45 % Emulsified	1952	1953
X EPN Miticide	1950	1952
X Fenuron	1964	1964
X Ferric Sulfate (Copperous)	1909	1920
Fluorosulfonic Acid	1975	Present
Freon - Kinetics Operation	1948	1977
Garden and Potato Dust	1944	1944
- Glattite	1909	1910
X Glauber's Salt (Sodium Sulfate)	1898	1948
Hydrochloric Acid and Salt Cake - Mechanical furnace	1936	1959
Hydrochloric Acid and Salt Cake - # 1 & # 2	1897	1934
Hydrochloric Acid and Salt Cake - # 3	1897	1938
Hydrochloric Acid and Salt Cake - # 4	1897	1937
Hydrochloric Acid and Salt Cake - # 5 & # 6	1897	1934
Hydrochloric Acid and Salt Cake - # 7 & # 8	1897	1944
Hydrochloric Acid and Salt Cake - # 9 & # 10	1897	1935
Hydrochloric Acid Reagent	1899	1924
Hydrochloric Acid Reagent - Distillation - electrical	1924	1937
Hydrochloric Acid Reagent - Distillation - steam	1937	1958
Hydrochloric Acid Reagent - Modernized Process	1958	1982



LEGAL
Wilmington, Delaware 19898

March 26, 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Joseph A. Malek (5 HMS TUB-7)
U.S. EPA Region V
Superfund Branch
230 South Dearborn Street
Chicago, Ill 60604

RECEIVED
APR 1 1991

Re: Du Pont East Chicago Plant

Dear Mr. Malek:

TECHNICAL
SECTION

We appreciate the time you have taken during two recent telephone calls with representatives of Du Pont to explain your section's interest in the above-referenced facility. The purpose of this letter is to try and set a course for a meaningful and open dialogue and information exchange to address the issues facing the site.

As you are aware, the Water Division of Region V served Du Pont with a "Request for Information" under §308 of the Clean Water Act. Our responses were provided on March 14, 1991. The formulation of responses to the several questions consumed several resources and man-hours. We recognize the statutory authority of the Water Division to seek information about potential and actual sources of pollution to surface waters and Du Pont's obligation under the law to provide them with such information.

We are now faced with yet another information request from your office on behalf of the Superfund Branch of Region V. While we do not question the Superfund Branch's authority under the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA"), among other laws, to request information concerning the actual or threatened release of hazardous substances from a facility, we believe that a unified approach by your section along with the Water Division to the environmental issues at the site would be more cost effective for both of us. You are correct in stating that the information you are requesting is different from that sought by the Water Division. However, the groundwater seep that is the subject of the Water Division's investigation is a surface expression of groundwater which will be addressed in the overall site remediation plan.

DUPONT EAST CHICAGO, INDIANA PRODUCTION HISTORY

PRODUCTS	BEGAN OPERATION	DISCONTINUED OPERATION
Sulfuric Acid Contact No. 3	1955	1982
Sulfuric Acid Contact Verein	1910	1925
Sulfuric Acid Reagent	1899	1922
Sulfuric Acid Reagent - from Oleum Production	1922	1943
Sulfuric Acid Reagent - New Vertical Absorber	1943	1958
Sulfuric Acid Reagent - Process Modernized	1958	1984
Trisodium Phosphate Crystal	1926	1951
Trisodium Phosphate Crystal - Flake	1933	
Trisodium Phosphate Crystal - Flake # 10	1939	1939
Trisodium Phosphate Crystal - High Grade Neutral Phosphate	1926	
Trisodium Phosphate Crystal - Lurgi Filter	1943	1951
Trisodium Phosphate Crystal - Monohydrate	1934	1948
Trisodium Phosphate Crystal - Monosodium Phosphate	1932	1948
Trisodium Phosphate Crystal - P Grade # 10	1939	1939
Trisodium Phosphate Crystal - P Grade (Granular)	1930	
Trisodium Phosphate Crystal - Sodium Silico Fluoride	1927	
X Tupersan = <i>Simmon</i>	1964	1981
- Valron - Estersil & Estersil GT	1954	1957
X Velpar Intermediate - Hexazinone	1974	1986
Zinc Ammonium Chloride	1940	1963
Zinc Ammonium Chloride - New Facilities - Zaclon	1963	1969
Zinc Chloride Fluid Flux	1960	1963
Zinc Chloride Fused	1902	1969
Zinc Chloride Granular	1902	1969
Zinc Chloride Solution	1902	1969
Zinc Oxide	1916	1937
Zinc (Battery Anodes)	1909	1931

Let me assure you that Du Pont takes its environmental responsibilities very seriously and is moving expeditiously (and voluntarily) to gather sufficient data for an assessment of site conditions. We would welcome your attendance at any meetings to further this goal.

Very truly yours,

Norman D. Griffiths

Norman D. Griffiths
Counsel
Environmental Law Group

cc:

~~_____~~
D. S. Bryson, Director, Water Division, Region V (w/o encl.)
(5WCC-TUB-8)
E. F. Hartstein, Manager, East Chicago Plant

Attachments
Est.Chgo./8.

bcc: N. Bell, CHEM, B-12252A (w/o encl.)
H. Frey, CHEM, BOD -918-13 (w/o encl.)
D. H. Heck, ENGR, L33E45 (w/o encl.)
S. Cline, DERS, Bellevue Park Bldg. 300 (w/o encl.)

With regard to the items of information requested in your letter to Mr. Meyer, we are including with this letter, copies of: (i) a site map which shows the plant boundaries along with conveyances of title to this facility; (ii) a copy of Du Pont's 1990 annual report that lists the internal organization of the Company. Du Pont's East Chicago Plant is part of the "Du Pont Chemicals" function; and (iii) a copy of the Spill Control and Reporting Section of the East Chicago Site Emergency Response Plan with respect to your request for "...procedures, policies for responding to the release of toxic substances...".

After careful consideration, we have decided to decline your request for a copy of a Du Pont telephone directory. We take this position because a Du Pont telephone directory is not relevant to any of the types of information identified in CERCLA §104(e)(2) that the Agency may seek regarding: (A) the nature of materials generated, treated, stored, or disposed of at the facility; (B) the nature of a release of hazardous substances or pollutants from the facility; or (C) Du Pont's ability to pay for, or perform a cleanup at the facility.

Although Du Pont is very interested in maintaining and enhancing its cooperative, working relationship with Region V in addressing the various environmental issues at this facility, the potential of litigation is always present. Because of that potential, we would ask that members of your office wishing to meet or interview Du Pont employees notify either the Plant Manager, Gene Hartstein or my office prior to making any such contact. We will consider all such requests carefully and, if appropriate, arrange for such meetings/interviews. I am representing to you herein that we will cooperate to the extent practicable to identify knowledgeable individuals and make said individuals available.

We disagree with your assertion that my role in providing legal counsel to Du Pont employees is limited to "management" and not lower level employees. However, there may be instances in which we would cooperate without counsel being present in the development of information about the site. Such cooperation, of course, will be based on an assumption that the Agency is attempting to gain a fuller understanding of the site's history for purposes of working together to address the issues, not to build a case of liability against us.

We will be attempting to schedule a meeting with the Water Division for April 15, 1991 to go over our site investigation work-to-date and to resolve a "path forward" on the groundwater seep and discuss the ongoing activities related to the overall Site Plan.

P 659 283 450



Certified Mail Receipt
No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

Jo. Malack / Du Pont Co
Mr. O. J. Meyer
Du Pont De Nemours and Company
5215 Kennedy Avenue
East Chicago, Indiana 46312

Postage	\$ 7.5
Certified Fee	1.00
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.00
Return Receipt Showing Date, & Address of Delivery	
TOTAL Postage & Fees	\$ 2.75
Postmark Date	

PS Form 3800, June 1990

CHICAGO, IL 60601
FEB 7 1991

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. (Extra charge)
2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

Mr. O. J. Meyer
Du Pont De Nemours and Company
5215 Kennedy Avenue
East Chicago, Indiana 46312

4. Article Number
659 283 450

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5. Signature - Addressee
X

6. Signature - Agent
X *H.R. Wohlgemuth*

7. Date of Delivery
FEB - 8 1991

8. Addressee's Address (ONLY if requested and fee paid)



E. I. DU PONT DE NEMOURS & COMPANY

INCORPORATED

EAST CHICAGO, INDIANA 46312

CHEMICALS AND PIGMENTS DEPARTMENT

CC: E. F. Hartstein.
N. Bell, Wilmington
R. W. Tolpa US EPA
J. Kawecki, US EPA

September 11, 1990

Jo Lynn Traub, Acting Chief
Superfund Program Management Branch (5HSM-TUB-7)
U. S. Environmental Protection Agency
230 South Dearborn Street
Chicago, Illinois 60604

Dear Ms. Traub:

SUBJECT: YOUR LETTER DATED AUG. 31, 1990 REQUESTING INFORMATION
RELATIVE TO RELEASES IN THE VICINITY OF THE GRAND
CALUMET RIVER

I have discussed this request with Robert Tolpa and as a result
of that conversation I am submitting this reply.

This site is currently investigating the potential for
groundwater contamination from past and present operations. The
results of each phase of our study have been forwarded to Mr. Tolpa
for review. The information developed during our study answers in
depth the questions asked by your letter. Your group has this
information available to you at this time.

Unless you tell me otherwise, I assume that the request for
information has been met. We will continue to send information to
Mr. Tolpa as it is generated.

Should you wish to discuss this further please call me at (219)
391-4653. If you or your staff would like to visit this facility, I
would be pleased to arrange that as well.

Sincerely,

O. J. Meyer
Unit Manager - SH&E

OJM/pjp

IND 005 174354

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

DATE: AUG 27 1990

SUBJECT: DuPont East Chicago Plant, Indiana, Voluntary Cleanup

FROM: Jeff ~~Garl~~ *WAM*
Chief, Ground Water Protection Branch

TO: Dale S. Bryson
Director, Water Division

Bob Tolpa contacted my office with DuPont East Chicago (chemical manufacturing) Plants' request for EPA technical assistance with their voluntary cleanup of ground water contamination which has occurred in the past century of operation. Bill Melville and George Clark of my staff are cooperating with Tolpa, RCRA, and the State to ensure that there are no current violations.

Please route relevant correspondence you may receive to GWPB. If you have questions, please contact Bill Melville (6-1504) or George Clark (3-1435).

cc: Grand
Boyle
Cooper
Slaughter
Tolpa
Melville
Clark

Consent Order

Author

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

5 HSM-TUB-7

Mr. O. J. Meyer
Du Pont De Nemours and Company
5215 Kennedy Avenue
East Chicago, Indiana 46312

Dear Mr. Meyer:

Thank you for your letter of September 11, 1990, concerning this agency's earlier correspondence suggesting that Du Pont contact us with regard to the release of toxics in the Grand Calumet/Indiana Harbor Area of Concern.

Although Du Pont has and continues to exchange information with the Water Compliance Section, the Superfund Program is investigating the release of toxic and hazardous substances into the atmosphere, to the soil and underlying groundwater, and to overland runoff to the Grand Calumet River. The information we need to conduct this investigation is different from that you have already supplied to the Water Compliance Section. This information was requested in an Information Request letter dated August 31, 1990, and also in my letter of September 3, 1990, suggesting that you contact Mr. Joseph Malek of my staff to discuss alternative ways to provide the desired information.

It is imperative that Du Pont respond to and comply with either the Information Request letter or by discussing this matter with Mr. Malek as suggested in my previous correspondence. Regardless of the method you select, a response must be forthcoming within the next fifteen (15) days.

Thank you for your cooperation in this matter.

Sincerely yours,

Jodi Traub, Acting Chief
Superfund Program
Management Branch

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION V

DATE: March 12, 1990
SUBJECT: E.I. Dupont de Nemours and Company, Inc.
FROM: Robert Tolpa
Grand Calumet Coordinator
TO: See Below

Per our meeting on March 9, 1990 I am sending you some information on E.I. Dupont de Nemours and Company, Inc.

If you have question please contact me at (312) 886-6702.

cc: Margaret Pearce, 5HS
Mary Fulghum, 5CS
Rod Walton, 5WQS
Bill Franz, 5ME
John Connell, 5SPT
Dave Cowgill, 5GL
Michael Mikulka, 5WQC
David Dabertin, 5CA
Tom Kenney, 5CS
Marc Tuchman, 5WQS
David Ullrich, 5HR ✓
Howard Zar, 5W

→ Joe Boyle - FYI for future reference. DuPont, East Chgo, IN, is starting a voluntary site investigation - somewhat like a RFI. The attached GW Assessment Rpt. is probably the best collection of reference material on this facility. Please hold on to it.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION V

DATE: JUL 11 1990

SUBJECT: E.I. DuPont de Nemours and Company
Facility in East Chicago, Indiana

FROM: Robert D. Tolpa *Bob Tolpa*
Water Division

TO: William Mino, Chief
RCRA Enforcement Branch

Per our recent conversation, while we were waiting for the Geographic Enforcement Initiative - Litigation Screening Subcommittee to start, I'm transmitting my DuPont materials.

DuPont has contracted with CH₂M Hill to study groundwater contamination at the East Chicago facility. To date, DuPont has had the test wells installed and is beginning to collect data on groundwater quality.

Attached for you and your staff's information is a copy of all DuPont correspondence I have received and a copy of its Phase I Groundwater assessment. My contact at DuPont is Mr. O.J. Meyer.

If there is anything else I can help you with please call me at 886-6706.

Attachments

cc: J. Garl
M. Mikulka
T. Cayer

RCRA INSPECTION REPORT - INTERIM STATUS STANDARDS
TREATMENT, STORAGE, AND DISPOSAL FACILITIES
Form 1 - General Facility Standards

I. General Information:

- (A) Facility Name: E. I. Du Pont de Nemours and Co.
(B) Street: 5215 Kennedy Avenue
(C) City: East Chicago (D) State: Indiana (E) Zip Code: 46312
(F) Phone: (219) 398-2048 (G) County: Lake
- (H) Operator: E. I. Du Pont de Nemours and Co.
(I) Street: 5215 Kennedy Avenue
(J) City: East Chicago (K) State: Indiana (L) Zip Code: 46312
(M) Phone: (219) 398-2040 (N) County: Lake
- (O) Owner: E. I. Du Pont de Nemours and Co.
(P) Street: 1008 Market St.
(Q) City: Wilmington (R) State: Delaware (S) Zip Code: 19898
(T) Phone: _____ (U) County: _____
- (V) Type of Ownership: ☐ Federal ☐ Municipal ☒ Private
☐ State ☐ County
- (W) Date of Inspection: 7/7 (Q) Time of Inspection (From) _____ (To) _____
(X) Weather Conditions: Rain, fog

Donald Luebke, Plant Manager
C.I. Buehler & Sons Co.
5215 Kennedy Ave.
East Chicago, Indiana 46012

2-2 DEC 1980

RECEIVED

RE: E.I. Buehler & Sons Co.
East Chicago, IN, Indiana

Dear Mr. Luebke:

Enclosed please find a copy of the report of the inspection dated December 9, 1980, conducted at the above facility by representatives of the United States Environmental Protection Agency (U.S. EPA). The purpose of the inspection was to determine your facility's compliance status with the Resource Conservation and Recovery Act (RCRA) as amended by the Pollution Control Act of 1976. We are pleased to report that your facility was found to be in compliance.

Your cooperation and efforts in this matter are appreciated. Should you have any questions about the report, please contact Ralph Beyer at (312) 243-2114.

Very truly yours,

Original Signed by: Arnold E. Leder
Arnold E. Leder, Chief
Compliance Section
Office of Hazardous Materials
Environmental Branch

Enclosure

cc: Onal Post, Technical Secretary
Indiana State Board of Health

cc: Comptroller
Controller
Labor
Messenger
Director

III. GENERAL FACILITY STANDARDS

	Yes	No	Not Inspected	See Remark Number
) Has the Regional Administrator been notified regarding:				
1. Receipt of hazardous waste from a foreign source?		X		
2. Transfer of Ownership?		X		
) General Waste Analysis:				
1. Has the owner ^{or} operator obtained a detailed chemical and physical analysis of the waste?	X			
2. Does the owner ^{or} operator have a detailed waste analysis plan on file at the facility?			X	
3. Does the waste analysis plan specify procedures for inspection and analysis of each movement of hazardous waste from off-site?			X	
Security - Do security measures include:				
1. 24-Hour Surveillance?	X			
2. Artificial or Natural Barrier Around Facility?	X			
3. Controlled Entry?	X			
4. Danger Sign(s) at Entrance?	X			
Do Owner ^{or} Operator Inspections Include:				
1. Records of Malfunctions?	X			
2. Records of Operator Error?	X			
3. Records of Discharges?	X			
4. Inspection Schedule?	X			
5. Safety, Emergency Equipment?	X			
6. Security Devices?	X			
Operating and Structural Devices?	X			
8. Inspection Log?	X			

Jack Lixen
Donald V. Liebke

Industrial Chemist (219) 398-2020
Plant manager (219) 398-2040

(2) Inspection Participants

Title

Telephone

Eugene Meyer

Chemist

886-6147

II. Description of Site Activity

- (A) ☒ Generator (Form 2) (B) ☐ Transporter (Form 3)
(C) ☐ Chemical, Physical and Biological Treatment (Form 4) (D) ☐ Storage (Form 5)
(E) ☐ Landfill (Form 6) (F) ☐ Incineration (Form 7)
(G) ☐ Land Treatment (Form 4) (H) ☐ Thermal Treatment (Form 7)

(I) Comments: Facility will dispose of wastes within 90
days

Supplemental forms (Listed in Parathesis) must be completed for each activity inspected. Attach all Supplemental forms to this report.

Yes

No

Not
Inspected

See Remark
Number

(J) Has this facility
Submitted a Part A
Permit Application?

X

	Yes	No	Not Inspected	See Remark Number
(C) Testing and Maintenance of Emergency Equipment:				
1. Has the Owner or Operator established Testing and Maintenance Procedures for Emergency Equipment?	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
2. Is Emergency Equipment Maintained in Operable Conditions?	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
(D) Has Owner ^{or} Operator Provided Immediate Access to Internal Alarms (if needed)?	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
(E) Is there Adequate Aisle Space for Unobstructed Movement?	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
(F) Are Arrangements with Local Authorities Included in the Operating Record?	<u>X</u>	<u> </u>	<u> </u>	<u> </u>

VI. CONTINGENCY PLAN AND EMERGENCY PROCEDURES

- (A) Does the Contingency Plan Contain the Following Information:
1. The actions facility personnel must take to comply with §264.51 and 265.56 in response to fires, explosions, or any unplanned release of hazardous waste? (If the owner has a Spill Prevention, Control, and Counter-measures (SPCC) Plan, he needs only to amend that plan to incorporate hazardous waste management provisions that are sufficient to comply with the requirements of this Part.)
 2. Arrangements agreed to by Local police departments, fire departments hospitals, contractors, and State and local emergency response teams to coordinate emergency services pursuant to §264.37?

<u>X</u>	<u> </u>	<u> </u>	<u> </u>
<u>X</u>	<u> </u>	<u> </u>	<u> </u>

Yes

No

Not
InspectedSee Remark
Number(E) Do Personnel Training Records
Include:1. Job Titles? X2. Description of Training? X3. Records of Training? XIs Personnel Training Completed
within the Required Time Frame? X(F) Are the Following
Special Requirements for
Ignitable, Reactive, or
Incompatible Wastes Addressed?1. Special Handling? X2. No Smoking Signs? X3. Separation and
Confinement? XIV. PREPAREDNESS AND PREVENTION(A) Maintenance and Operation
of Facility:1. Is there any evidence of fire,
Explosion, or release of
hazardous waste or hazardous
waste constituent? X(B) Does the Facility have
the Following Equipment:1. Alarm System? X2. Telephone or 2-Way Radios? X3. Portable fire extinguishers,
fire control, spill control
equipment and decontamination
equipment? X

Indicate the volume of water and/or foam available for fire control:

Units: 250,000 gal

VII. MANIFEST SYSTEM, RECORDKEEPING, AND REPORTING

Yes

No

Not
Inspected

See Remark
Number

(A) Use of Manifest System

1. Does the facility follow the procedures listed in §265.71 for processing each Manifest?

X

2. Are records of past shipments retained for 3 years?

X

(B) Does the owner or operator meet requirements regarding Manifest Discrepancies?

X

(C) Operating Record

Does the facility maintain an operating record at the site as required in §265.73?

X

(D) Availability, Retention and Disposition of Records

Are all records available at the site for inspection as required in §265.74?

X

VIII. CLOSURE AND POST CLOSURE

A) Closure and Post Closure

1. Closure Plan Available for Inspection by May 19, 1981?

Not applicable

2. Has this plan been submitted to the Regional Administrator?

3. Has Closure begun?

4. Is closure cost estimate available by May 19, 1981?

B) Post Closure Care and Use of Property
- Has the Owner/Operator supplied a Post Closure Monitoring Plan (by May 19, 1981)?

Yes

No

Not
InspectedSee Remark
Number

3. Names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinators?

X

4. A list of all emergency equipment at the facility which includes the location and physical description of each item on the list and a brief outline of its capabilities?

X

5. An evacuation plan for facility personnel where there is a possibility that evacuation could be necessary? (This plan must describe signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes.)

X

- (B) Are copies of Contingency Plan Available at Site and local Emergency Organizations?

X

(C) Emergency Coordinator

1. Is the facility Emergency Coordinator identified?
2. Is Coordinator Familiar with all aspects of site operation and emergency procedures?
3. Does the Emergency Coordinator have the authority to carry out the Contingency Plan?

XXX

(D) Emergency Procedures

If an Emergency Situation has occurred at this facility; has the Emergency Coordinator followed the Emergency procedures listed in 256.56?

X

10/1/80

(Y) Person(s) Interviewed

Jack Sissmith
Donald V. Luebke

Title

Industrial chemist (219) 398-2040
Plant manager "

Telephone

(Z) Inspection Participants

Eugene Meyer

Title

Chemist

Telephone

886-6147

II. OTHER TYPE OF HAZARDOUS WASTE ACTIVITY

(A) Transporter (Form 3)

(B) Chemical, Physical and
Biological Treatment (Form 4)

(C) Storage (Form 5)

(D) Landfill (Form 6)

(E) Incineration (Form 7)

(F) Thermal Treatment (Form 7)

(G) Comments:

Supplemental forms (Listed in Parathesis) must be completed for each activity inspected. Attach all Supplemental forms to this report.

IND 005174354
EPA IDENTIFICATION NUMBER

RCRA INSPECTION REPORT - INTERIM STATUS STANDARDS
Form 2 - Generator Inspection

I. General Information:

(A) Installation Name: E. I. Du Pont de Nemours and Co.
(B) Street: 5215 Kennedy Avenue
(C) City: East Chicago (D) State: Indiana (E) Zip Code: 46312
(F) Phone: (219) 398-2040 (G) County: Lake

(H) Operator: Jane
(I) Street: _____
(J) City: _____ (K) State: _____ (L) Zip Code: _____
(M) Phone: _____ (N) County: _____

(O) Owner: E. I. Du Pont de Nemours and Co.
(P) Street: 1008 Market St.
(Q) City: Wilmington (R) State: Delaware (S) Zip Code: 19898
(T) Phone: _____ (U) County: _____

(V) Type of Ownership: _____ Federal _____ Municipal ☒ Private
_____ State _____ County

(W) Date of Inspection: 12/9/80 Time of Inspection (From) 2:30 (To) 3:00

(X) Weather Conditions: Rain, sloop

See Remark
Number

f. Are incompatible wastes stored in separate tanks? (If not, the provisions of 40 CFR §265.17(b) apply)

III. MANIFEST

	Yes	No	Not Inspected	See Remark Number
(A) Are copies of the Manifest available? <i>attached</i>	<u>X</u>			
(B) Does the Manifest contain the following information:				
1. Manifest document number?	<u>X</u>			
2. Name, mailing address, telephone number, and EPA ID Number of Generator?	<u>X</u>			
3. Name and EPA ID Number of Transporter(s)?	<u>X</u>			
4. Name, Address, and EPA ID Number of Designated permitted facility and alternate facility?	<u>X</u>			
5. The description of the waste(s) (DOT shipping name, DOT hazard class, DOT identification number)?	<u>X</u>			
6. The total quantity of waste(s) and the type and number of containers loaded?	<u>X</u>			
7. Required Certification?	<u>X</u>			
8. Required Signatures?	<u>X</u>			
(C) Does the Owner or Operator Submit Exception Reports when Needed?	<u>X</u>			

IV. PRE-TRANSPORT REQUIREMENTS

(A) Is Generator Packaging waste in accordance with DOT Regulations?	<u>X</u>			
(B) Are waste packages marked and labeled in accordance with DOT Regulations concerning hazardous waste materials?	<u>X</u>			
If required, are placards available to transporter?	<u>X</u>			

	Yes	No	Not Inspected	See Remark Number
4. Has Owner/Operator Provided Immediate Access to Internal Alarms (if needed)?	_____	_____	_____	_____
5. Is there adequate Aisle Space for unobstructed Movement?	_____	_____	_____	_____
6. Are arrangements with local authorities included in the operating record?	_____	_____	_____	_____

(C) Contingency Plan and Emergency Procedure

1. Does the contingency plan contain the following:
 - a. The actions facility personnel must take to comply with §264.51 and 261.56 in response to fires, explosions, or any unplanned release of hazardous waste? (If the owner has a Spill Prevention, Control and Countermeasures (SPCC) Plan, he needs only to amend that plan to incorporate hazardous waste management provisions that are sufficient to comply with the requirements of this Part)
 - b. Arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services, pursuant to §264.37?
 - c. Names, addresses, and Phone numbers (office and Home) of all persons qualified to act as emergency coordinator.
 - d. A list of all emergency equipment at the facility which include the location and physical description of each item on the list, and a brief outline of its capabilities?
 - e. An evacuation plan for facility personnel where there is a possibility that evacuation could be necessary? (This plan must describe signal(s) to be used to begin evacuation, evacuation routes and alternate evacuation routes.

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Yes

No

Not
InspectedSee Remark
Number

5. If hazardous wastes accumulate on site, does the generator follow the following general facility standards?

☒ General Facility Standards

If Generator is also a TSD; omit section II

Do Personnel training records include:

1. Job Titles?

2. Description of Training?

3. Records of Training?

Is Personnel Training Completed within the Required Time Frame?

B. Preparedness and Prevention

1. Maintenance and Operation of Facility:

- a. Is there any evidence of fire, explosion, or release of hazardous waste or hazardous waste constituent?

2. Does the Facility have the following equipment?

a. Alarm system?

b. Telephone? ~~Emergency?~~

c. Portable fire extinguishers, fire control, spill control equipment and decontamination equipment?

Indicate the volume of water and/or foam available for fire control

Units: _____

3. Testing and Maintenance of Emergency Equipment:

a. Has the Owner or Operator established testing and Maintenance Procedures for Emergency Equipment?

b. Is emergency equipment Maintained in Operable Condition?

Yes

No

Not
Inspected

See Remark
Number

c. Met the Manifest requirements? _____

2. Importing Hazardous Waste,
has the generator:

a. Met the manifest requirements? _____

VIII. PREPARER INFORMATION

Name: _____

Engine Meyer

Title: _____

Chadwick

Phone Number: _____

886-6147

REMARKS: _____

2. Are copies of the Contingency Plan available at site and local Emergency Organizations?

Yes

No

Not
Inspected

See Remark
Number

3. Emergency Coordinator

a. Is the Facility Emergency Coordinator Identified?

b. Is Coordinator Familiar with all aspects of site operation and Emergency Procedures?

c. Does the Emergency Coordinator have the authority to carry out the Contingency Plan?

4. Emergency Procedures

If an Emergency Situation has occurred at this facility; has the Emergency Coordinator followed the Emergency Procedures listed in §256.56?

VI. RECORDKEEPING

(A) Are Manifests, Annual Reports, Exception Reports, and All Test Results and Analyses Retained for at least three years?

VII. INTERNATIONAL SHIPMENTS

(A) Has the Installation Imported or Exported Hazardous Waste?

X

(If A was answered Yes, then complete one or both of the following)

1. Exporting Hazardous waste, has a generator:

a. Notified the Administrator in writing?

b. Obtained the Signature of the foreign consignee confirming delivery of the waste(s) in the foreign country?

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

DATE: January 8, 1981

SUBJECT: Report of ISS inspection on E.I. DuPont de Nemours & Co., 5215 Kennedy Avenue,
East Chicago, ~~Illinois~~ Indiana 46312 (Inspection date: 12/9/80)

FROM: Eugene Meyer

TO: Jay S. Goldstein, Chief
Hazardous Waste Management Section

Company: E.I. DuPont de Nemours & Co., 5215 Kennedy Avenue, East Chicago, Indiana

Participants: Eugene Meyer and Donald V. Luebke and Jack Sixsmith of DuPont

Objective: To review facility with respect to compliance with the generator por-
tion of the HW regulations

Site description:
A building

Other information: Facility appears to be genuinely interested in complying
with the HW regulations

Conclusions & recommendations

None: In compliance

This map was prepared in 1971 by a long service employee now retired who based it on his recollection of some of the older operations. It has been updated to include disposal since that time. Attachment B is the legend that describes the disposal areas.

*ZnCl₂ is a skin
irritant; fumes
are highly toxic*

- Area 1 was used for wastes from the manufacture of zinc, aluminum and ammonium chlorides from 1909 - 1969. None of these products has been manufactured at East Chicago since 1969. The wastes were "muds" produced from filtering operations. No known treatment was provided subsequent to disposal and no records found as to amounts or compositions.
- Area 2 was used for disposal of chain grate stoker ash from our coal-burning Powerhouse until 1950. No known treatment was provided subsequent to disposal and no records found as to amounts or composition.
- Area 3 was used for wastes from our trisodium phosphate operation from 1926 - 1951. The waste was calcium sulphate. No known treatment was provided subsequent to disposal and no records found as to amounts or composition.
- Area 4 is a general waste area used from 1955 - 1974 for disposal of miscellaneous chemicals including sulfur and filter aid. Also included were sludges from tank cleaning and process cleaning operations. These sludges were principally calcium sulfate and sodium silicate. Spent silica gel used for removing fluoride from hydrochloric acid and alumina gel used for drying Freon® were disposed of in this area along with old building materials such as scrap brick. Dust from the screening of vanadium oxide catalyst from the sulfuric acid operation was disposed of in this area prior to 1970. Since 1970 screenings and used catalyst are recycled or sold. Some spent catalyst was probably disposed of in earlier years but no records were found as to amount.

*the dust is toxic
by inhalation*

For many years the area was used for open burning of plant trash such as paper bags, pallets and garbage. In 1972 and 1973 we burned about 1000 drums, 55 gallon capacity, containing methyl ethyl ketone and an organic sludge from our Benomyl herbicide operation produced in 1968 - 1970. We also burned an unrecorded amount of hexane wastes from a similar herbicide operation known as Siduron. A copy of our request and the permit from the City of East Chicago's Department of Air Quality is Attachment C.

*see page from the
"Pesticide Dictionary"*



E. I. DU PONT DE NEMOURS & COMPANY
INCORPORATED

5215 KENNEDY AVENUE
EAST CHICAGO, INDIANA 46312

CHEMICALS, DYES AND PIGMENTS DEPARTMENT

April 29, 1980

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Sandra S. Gardebring
Director, Enforcement Division
U.S. EPA, Region V
230 South Dearborn ST., 13th Floor
Chicago, Illinois 60604

Attention: Jerrold Frumm

Re: Information Request
E. I. du Pont de Nemours & Co.
East Chicago, Indiana

Dear Ms. Gardebring:

We are replying to your information request which was addressed to Mr. Robert J. Blair and received on April 1 on the subject of solid wastes and their disposal at our East Chicago facility.

As background information, the East Chicago plant was established in 1892 and therefore has a long history of operation. Many of the products that were made during those 88 years are no longer being manufactured. Waste disposal practices have changed over that span of years such that it is difficult if not impossible to find any records or persons with knowledge of many of the old defunct operations. As part of the Congressional Questionnaire of the House Subcommittee on Oversight and Investigations East Chicago submitted information about waste disposal since 1950. Much of the information submitted by East Chicago to that committee, and now to you, is the same. For the Congressional Questionnaire we estimated 15,000 tons of solid wastes were disposed of on the plant for the period 1974 through 1978. We do not have sufficient information to specifically estimate the amounts in the individual disposal areas before 1974.

We have attached a map as Attachment A identifying the known disposal areas which have been used for the disposal of solid wastes.

All of the above disposal areas are now inactive. The only active disposal area on site now is Area 9 as shown on the map. This disposal area is essentially the same as Area 3 which contained calcium sulfate from another operation. Since 1974 this area has been used to dispose of "sludge" generated by the water treatment facilities installed in the early 1970's to reduce water pollution. These wastes are generated by our sodium silicate and Ludox® colloidal silica processes and are described in detail in Attachment E. Not included in Attachment E is the photograph of the landfill area which was supplied to the Indiana Stream Pollution Control Board (copy not found). A description of Area 9 is also given in this attachment along with a breakdown of the waste composition as calculated for 1974. These data are essentially representative of the waste disposal in this area for the period 1974 - 1977. In 1977 the waste disposal from the sulfamic acid department "Ammate" dry cake filter shown on pages 18 and 19 of Attachment E was discontinued when that part of the operation was shut down permanently. We estimate about 2500 tons of waste on a dry basis were disposed of in Area 9 in 1978 and this amount probably is a good estimate for 1979 also. Of this material about 2300 tons was the "sludge" from water treatment facilities. This "sludge" which is also called precoat filter waste and "hardtag" waste, consisted of about 54% calcium sulfate, 20% diatomaceous earth (filter aid) 16% silica and silicate solids, 9% calcium hydroxide and 1% cellulose (filter aid) on a calculated basis. Some miscellaneous analytical data are given in Attachment G. Attachment H gives some typical analyses of the diatomaceous earth (filter aid) and hydrated lime that are used in the operation and end up in the waste. About 170 tons of sodium silicate from storage tank cleaning was disposed of in this area. Also about 40 tons of calcium sulfate sludge from the cleaning of Sulfuric acid storage tanks. This acid sludge was neutralized with limestone prior to landfilling. About 1 ton of cleanout from the Lorox® herbicide operation was disposed of. This material was diluted with water to about 1% solids concentration prior to landfilling. The composition of the solids was about 50% linuron and the balance clay and other diluents.

Your letter also requested results of hydrological and geological sampling and analysis. We have submitted as Attachment I a report by Shilts, Graves and Associates, Inc. on this subject. This investigation was done on the eastern portion of our property for the City of East Chicago. The copy of this report which Du Pont received did not contain the water analyses referred to in the third paragraph of page 2. We have included a property map of the plant as a reference.

- Area 5 was a neutralizing pit containing limestone. The pit was used from 1941 to 1974 to neutralize a small acidic waste stream containing fluorides from the Freon® operation. New facilities were installed to neutralize and landfill this waste in 1974. (See Area 10.) In addition, the pit was used to neutralize by-product hydrochloric acid production from 1965 to 1970 on an intermittent basis when we were unable to sell all the material produced. A record of this disposal was found as given in Attachment D. The pit was also used to dispose of an antimony pentachloride catalyst from 1948 until 1967. While no records are available, a Freon® area employee recalls the amount as 18-20,000 pounds of antimony pentachloride disposed of in catalyst changes every two or three years for the period 1949 through 1967. No catalyst was disposed of in this area after 1967 when a recycling process for the catalyst was developed.
- Area 6 was used for disposal of yearly cleanout of zinc "sinters" (zinc oxide) from a zinc sulfide roasting operation from 1947 until the operation was shut down in 1967. Filter aid and some sulfur which was mixed with the filter aid were disposed of this area. This waste came from the melting and filtering of sulfur used as a crude in the sulfuric acid process. The unit discontinued filtering sulfur about 1967. No treatment methods were used and no records were found as to amounts.
- Area 7 was used for disposal of fly ash from a coal-burning powerhouse. The disposal was discontinued in 1969 when a new powerhouse using natural gas was installed. No treatment methods were used and no records kept of amounts.
- Area 8 was apparently used for disposal from several insecticide operations, calcium arsenate and lead arsenate. No known records were found as to treatment method or amount. These processes operated from 1910 to 1949.
- Area 10 was used for disposal of calcium fluoride from the Freon® operation from 1974 until its shutdown in 1977. The area was lined with bentonite clay as required by the State of Indiana permit. A description of the treatment method is given in pages 7 and 8 of Attachment E. Attachment F gives some data on amount and composition of the material listed as Freon® sludge.

SbCl₅ is
toxic and
corrosive

$\text{Ca}_3(\text{AsO}_4)_2$ is highly
toxic & a suspected
human carcinogen.

$\text{Pb}_2(\text{AsO}_4)_2$ is highly
toxic

Airborne Emissions: Twelve of the substances disposed of at the East Chicago site are dangerous upon inhalation. It is necessary to determine whether any of the following substances may become airborne in any manner. The following list indicates air concentration limits prescribed for each substance in 29 CFR 1910.1000.

1. Ammonium sulfamate	15 mg/M ³	(8-hours time weighted average) (8-hTWA)
2. Antimony pentachloride (as Sb)	0.5 mg/M ³	(8-hTWA)
3. Hydrochloric acid	7 mg/M ³	(Ceiling value)
4. Calcium arsenate	1 mg/M ³	(8-hTWA)
5. Lead arsenate	0.15 mg/M ³	(8-hTWA)
6. Arsenic trioxide (as As)	0.5 mg/M ³	(8-hTWA)
7. Calcium fluoride (as F)	2.5 mg/M ³	(8-hTWA)
8. Chlorobenzene	350 mg/M ³	(8-hTWA)
9. Sodium hydroxide	2 mg/M ³	(8-hTWA)
10. Silica	various formulae depending on form	(8-hTWA)
11. Vanadium pentoxide	0.5 mg/M ³ dust 0.1 mg/M ³ fume	(8-hTWA)
12. Zinc Oxide	5 mg/M ³	(8-hTWA)

In addition, calcium hydroxide is considered to be an air contaminant as a dust, and calcium sulfate and sulfur have toxic and/or reactive fumes upon heating.

Process Information: It may be possible to assess the problems at specific disposal areas more fully if the amounts of some of the disposed wastes can be estimated. Additionally, it may be possible to further identify compounds existing in some of the areas. In order to accomplish this U.S. EPA is requesting information concerning process descriptions, raw materials used in production, and quantities of production for the following substances:

1. Zinc chloride
2. Aluminum chloride

Jandra S. Gardebr. J
April 29, 1980
Page five

We have attached some other miscellaneous documents which we feel relate to your information request. These are:

Attachment J - Approval by the Indiana Stream Pollution Control Board of our wastewater treatment facilities including the landfilling operation.

Attachment K - Letter dated January 31, 1977 from Indiana Stream Pollution Control Board reviewing and approving our plant waste disposal practices.

As required under the request for information, the answers are notarized and submitted under my signature certifying that all statements contained herein are true and accurate to the best of my knowledge and belief. Also all documents submitted are certified to be true and authentic copies to the best of my knowledge and belief.

Very truly yours,

John T Sixsmith
J. T. Sixsmith
Environmental Control
Coordinator

STATE OF INDIANA)) SS
COUNTY OF LAKE)

SUBSCRIBED AND SWORN TO BEFORE ME THIS 29th DAY
OF April, 1980 .

Alger V. Horwath
Notary Public in and for said
County and State

My Commission Expires: 10-27-80

cc: Oral Hert, Technical Secretary
Indiana Stream Pollution Control Board
1330 W. Michigan Street
Indianapolis, Indiana 46206

21 MAR 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Robert J. Blair
Vice President
E. I. DuPont de Nemours & Co.
1007 Market St.
Wilmington, Delaware 19898

Re: Information Request
E. I. DuPont de Nemours & Co.
East Chicago, Indiana

Dear Mr. Blair:

Pursuant to the authority provided by Section 308 of the Clean Water Act, 33 U.S.C. §1318, and Section 8003 of the Resource Conservation and Recovery Act, 42 U.S.C. §5983, it is requested that you furnish the United States Environmental Protection Agency, Region V, with the information designated in the enclosed request.

The information requested must be provided notwithstanding its possible characterization as confidential. In your response, you may indicate the information which is confidential. That information will be maintained as such pursuant to the procedure specified in 40 CFR Part 2.

The written statements submitted pursuant to this request must be notarized and submitted under an authorized signature certifying that all statements contained therein are true and accurate to the best of the signatory's knowledge and belief. Moreover, any documents submitted to Region V pursuant to this information request should be certified as true and authentic to the best of the signatory's knowledge and belief. Should the signatory find, at any time after submittal of the requested information, that any portion of the submitted information is false the signatory should so notify Region V. If any answer certified as true should be found to be untrue, the signatory can and may be prosecuted pursuant to 18 U.S.C. §1001.

If you have any questions concerning this matter, please contact either Jerrold Frumm, an attorney on my staff, at (312) 353-2094 or William E. Muno an engineer on my staff, at (312) 353-2110.

Very truly yours,

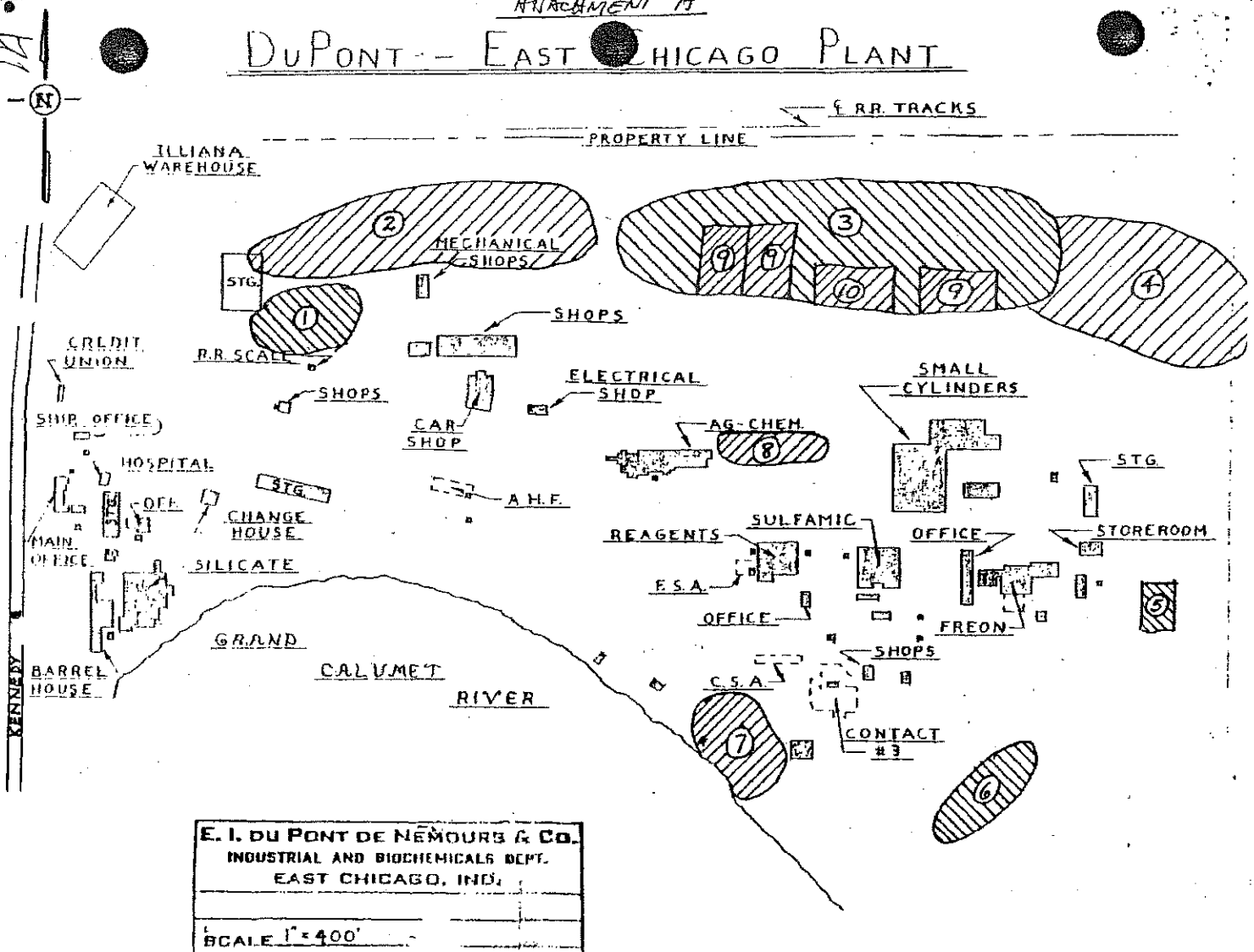
ORIGINAL SIGNED BY DALE E. BIRSON

Sandra S. Gardebring
Director, Enforcement Division

Enclosure

ATTACHMENT H

DUPONT - EAST CHICAGO PLANT



cc: Oral Hert, Technical Secretary
Indiana Stream Pollution Control Board

Mr. Donald V. Luebke
Plant Manager
F. I. DuPont de Nemours & Co.

bcc: Region V, Solid Waste Management
Kee/Klepitsch/Goldstein/Shandross

Gardabring/Bryson/Grimes
Schulteis/Fruss
Miner/Muno
Leder.

JFRUM:3-2094:wj:3-14-80

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION V

IN THE MATTER OF:

E.I. DUPONT DE NEMOURS
& COMPANY

EAST CHICAGO, INDIANA

REQUEST PURSUANT TO SECTION 308
OF THE CLEAN WATER ACT, 33 U.S.C.
§1318, AND SECTION 8003 OF THE
RESOURCE CONSERVATION AND RECOVERY
ACT, 42 U.S.C. §6983.

The following request for information is made by the United States Environmental Protection Agency, Region V (U.S. EPA), pursuant to Section 308 of the Clean Water Act, 33 U.S.C. §1318, and Section 8003 of the Resource Conservation and Recovery Act, 42 U.S.C. §6983. This request pertains to wastes of a possible hazardous or toxic nature which may have been disposed of at or adjacent to the E.I. DuPont de Nemours (E.I. DuPont) facility in East Chicago, Indiana.

Definitions

1. "Solid Waste" shall be defined as in the Resource Conservation and Recovery Act, as follows:

The term "solid waste" means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved material in irrigation return flows or industrial discharges which are point sources subject to permit under section 402 of the Federal Water Pollution Control Act, as amended (86 Stat. 880), or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923).

2. "Disposal" shall include, but not be limited to, the burial, discharge, deposit, underground injection, burning or incineration, reuse or recycling, spreading, spilling, leaking or dumping on land or in water, or introduction into publicly or privately owned digesters or sewage treatment plants, of any solid waste.

3. "Person" shall include natural persons, corporations, partnerships, associations, other legal entities (including municipalities and governmental units), and where appropriate, officers, directors, agents, employees, contractors and subcontractors.

10) Submit the results of all sampling and analysis performed by E. I. DuPont or any person to determine the concentrations or presence of any solid waste or constituents of solid waste in surface waters or groundwaters on or adjacent to the disposal areas.

11) Submit the results of all sampling and analysis performed by E. I. DuPont or any person at the disposal areas to determine the present chemical make-up of the disposal areas.

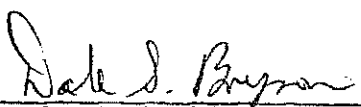
Written responses and submittals to the above questions must be made within thirty (30) calendar days of the receipt of this request and submitted under an authorized, notarized signature certifying the responses' truth, accuracy and authenticity to:

Director, Enforcement Division
Region V, U.S. Environmental Protection
Agency
230 South Dearborn Street - 13th Floor
Chicago, Illinois 60604

Attention: Jerrold Frumm

Dated this

day of February, 1980.


for Sandra S. Gardebring
Director, Enforcement Division

INFORMATION REQUEST

- 1) Provide a detailed map, to scale, identifying all areas in the vicinity of and contiguous to the E. I. DuPont facility in East Chicago, Indiana which have been used for the disposal and/or storage of solid wastes. For the purpose of this request these areas shall be referred to as the disposal areas.
- 2) Describe all solid wastes, regardless of source, disposed of and/or stored at the disposal areas by chemical composition and trade name.
- 3) Describe the ~~originating manufacturing and/or~~ treatment process from which each solid waste referred to in paragraph (2), above, was generated.
- 4) Indicate the quantities and location within the disposal areas in which each solid waste material referred to in paragraph (2), above, was disposed of and/or stored.
- 5) Describe the disposal and/or storage methods used for each solid waste referred to in paragraph (2), above, including but not limited to, any physical, chemical, or biological treatment which was provided prior or subsequent to disposal or storage. The response to this inquiry should also appropriately indicate the existence and usage of all pits, ponds and lagoons at the disposal area, as well as a description of any types of containerization used for the disposal and/or storage of solid wastes.
- 6) Indicate the initial date and all subsequent dates of disposal and/or storage of each solid waste referred to in paragraph (2), above.
- 7) Produce any and all records, logs, or manifests of the solid waste disposed of and/or stored at the disposal areas.
- 8) Produce any and all records, memos, logs, or manifests pertaining to the disposal practices used at the disposal areas.
- 9) Submit the results of all hydrological and geological sampling and analysis performed by E. I. DuPont or any person on the disposal areas.

TOLLING AGREEMENT

WHEREAS, The U.S. Environmental Protection Agency ("U.S. EPA") contends that it has or may have claims against E.I. du Pont and Company, Inc. ("DuPont"), pursuant to Section 301 et seq. of the Federal Water Pollution Control Act, 33 U.S.C Section 1311 et seq. relating to the unpermitted discharge of pollutants to navigable waters of the United States from groundwater seeps at DuPont's East Chicago, Indiana facility (hereinafter referred to as "the claims of U.S.EPA");

WHEREAS, DuPont does not admit any liability or violation in connection with the claims of U.S. EPA; and

WHEREAS, U.S. EPA and DuPont will be negotiating a corrective action order under Section 3008(h) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(h).

NOW THEREFORE, to allow such efforts to continue forward without interruption, U.S. EPA and the Settling Parties stipulate and agree as follows:

1. U.S. EPA and DuPont agree that the period from May 9, 1995 until the date ninety days after either party notifies the other in writing that this Agreement is terminated, inclusive, ("the Tolling Period") will not be included in computing the running of any statute of limitations in regard to the claims of U.S. EPA against DuPont.

2. U.S. EPA and DuPont further agree that the Tolling Period shall not be considered in any defense concerning the

Area Number	Location	General Description of Facility	Disposal Dates	General Description of Waste	Facility Construction	Site & Ground Water Conditions
1	See map	Waste pile	1909-1969	Waste from manufacture of zinc, aluminum and ammonium chlorides	Waste pile, ~300' x 300'	Unknown
2	See map	Waste pile	Thru 1955	Chain grate stoker ash from old powerhouse	Waste pile, ~1,000' x 400'	Unknown
3	See map	Waste pile	1926-1951	Calcium sulfate from trisodium phosphate operation	Waste pile, ~1,000' x 400'	Unknown
4	See map	General dump area	1955-1974	Misc. chemicals, including sulfur and filter aid	Waste pile, ~1,000' x 1,000'	Unknown
5	See map	Neutralizing pit	1941-1974	HCl from Freon® operations	~200' x 200' <u>unlined pit</u> containing limestone	Unknown
6	See map	Waste pile	1947-1967	Zinc sinters from roasters, sulfur, and sulfur filter aid	Waste pile, ~400' x 500'	Unknown
7	See map	Waste pile	Thru 1969	Fly ash from old powerhouse	Waste pile ~400' x 200'	Unknown
8	See map	Waste pile	1910-1949	Lead arsenate and calcium arsenate wastes	Waste pile, ~400' x 200'	Unknown
10	See map	Waste landfill	1974-1977	Calcium Fluoride	Clay-lined landfill ~200' x 250'	Unknown

JTS/ckg
4/18/80

7. The undersigned representative of U.S. EPA and DuPont certifies that he or she is fully authorized to enter into the terms and conditions of this Tolling Agreement and to legally bind such party to this Agreement.

FOR THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY:

Mary MAHLE
U.S. Environmental Protection
Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

November 2, 1995
Date

E.I. DU PONT & COMPANY, INC.

By: W J LAWRENCE
(Name of Officer)

W J Lawrence
(Signature of Officer)

Business Manager
(Title of Officer)

10/20/95
(Date)

timeliness of commencing an action relating to the claims of U.S.EPA.

3. DuPont agrees not to assert, plead or raise in any fashion, whether by answer, motion or otherwise, in any action with respect to the claims of U.S. EPA, any defense or avoidance based on the running of any statute of limitations during the Tolling Period, and the statute of limitations shall be tolled during, and for, such period.

4. Except as set forth in Paragraphs 1, 2 and 3 above, this Tolling Agreement is not intended to affect, and DuPont specifically reserves, any rights or defenses which it may have with respect to the claims of the United States.

5. This Tolling Agreement does not constitute any admission or acknowledgment of liability on the part of DuPont. Nor does this Agreement constitute any admission or acknowledgement on the part of U.S. EPA that any statute of limitations, or similar defense concerning the timeliness of commencing an action on the claims of U.S. EPA is applicable in any such action.

6. This Tolling Agreement contains the entire agreement between U.S. EPA and DuPont, and no statement, promise or inducement made by any party to this Agreement that is not set forth in this Agreement will be valid or binding. This Agreement may not be modified except in writing signed by all Parties and endorsed herein. This Agreement shall terminate ninety days after notice to that effect in writing is served by either party to the other.